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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,456	07/27/2001	Allan Losey	60426-321; 2001P07472US01	8736
24500	7590	10/27/2003	EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			DALENCOURT, YVES	
			ART UNIT	PAPER NUMBER
			2635	3

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,456

Applicant(s)

LOSEY, ALLAN

Examiner

Yves Dalencourt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

This office action is responsive to communication filed on 07/27/01.

The change of address has been received and accordingly changed.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Therefore, " comprises " (page 12, lines 2, and 8 – 9) is implied and should be avoided.

The subscript at the bottom of page 12 needs to be deleted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Hideo Furukawa (US 6243022; hereinafter Furukawa).

Regarding claim 1, Furukawa teaches a remote vehicle operation system (figures 1 - 3), comprising a control unit (32, figure 2) communication with at least one subsystem of a vehicle (col. 5, lines 40 - 57); a first transmitter/receiver (36, figure 2) in said vehicle in communication with said control unit (col. 5, lines 21 - 39); a second transmitter/receiver (26, figure 2) in communication with said transmitter (col. 5, lines 1 - 10); and said second transmitter/receiver sending a signal to said first receiver to control said subsystem (col. 2, lines 17 - 34) and said control unit sending a feedback signal about said subsystem (col. 2, lines 35 - 54; paragraph bridging col. 3, line 64 through col. 4, line 32).

Regarding claim 19, Furukawa teaches a method of remote control of a vehicle operation (figures 1 - 3) comprising the steps of transmitting (26) a command to a vehicle subsystem from an operator control (10, figure 2; col. 5, lines 1 - 10); receiving the command at the vehicle (36, figure 2; col. 5, lines 21 - 30); directing a vehicle subsystem based on the command (paragraph bridging col. 5, line 58 through col. 6, line 3 - 10); assessing data relating to the vehicle subsystem (col. 6, lines 3 - 10); and transmitting feedback based on the data to the operator (figures 5C and 6C; col. 8, lines 28 - 44).

Claims 8 - 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu et al (US 6263272; hereinafter Liu).

Regarding claim 8, Liu teaches a remote vehicle operation system (figure 1) comprising a temperature sensor 14, figure 1 to control the temperature of a vehicle interior (the claimed an environment conditioning subsystem in a vehicle); and a communication unit (12, figure 1) in communication with said environmental conditioning subsystem (paragraph bridging col. 4, line 65 through col. 5, line 3), transmitting a signal beyond said vehicle when said environmental conditioning subsystem meets a predetermined condition (col. 5, lines 3 – 12; col. 7, lines 29 – 45; once life-threatening conditions are detected, the vehicle driver can be alerted by receiving a page signal from the communications system 21; claimed transmitting a signal beyond said vehicle).

Regarding claim 9, Liu teaches a remote vehicle operation system, wherein said communication unit is a horn (col. 7, lines 29 – 31).

Regarding claim 10, Liu teaches a remote vehicle operation system, wherein said communication unit is at least one vehicle headlight flashing (col. 7, lines 29 – 31; claimed vehicle light).

Regarding claim 11, Liu teaches a remote vehicle operation system, wherein a Global Positioning System (GPS) which inherently comprises at least one transmitter and at least one receiver is part of communications system 21 (col. 7, lines 37 – 40).

Regarding claim 12, Liu teaches a remote vehicle operation system, wherein said communication unit is at least one receiver is portable (col. 7, lines 34 – 37).

Regarding claim 13, Liu teaches a remote vehicle operation system, wherein said communication unit is at least one receiver is a phone (col. 7, lines 40 – 45).

Regarding claim 14, Liu teaches a remote vehicle operation system, wherein said communication unit is at least one sensor in communication with said communication unit for sensing temperature (14, figure 1; paragraph bridging col. 4, line 65 through col. 5, line 12; claimed predetermined condition).

Regarding claim 15, Liu teaches a remote vehicle operation system, wherein said predetermined condition relates to temperature within said vehicle (col. 5, lines 7 - 12).

Regarding claim 16, Liu teaches a remote vehicle operation system, wherein said predetermined condition relates to time (col. 6, lines 11 – 14).

Regarding claim 17, Liu teaches a remote vehicle operation system, which includes a control unit in communication with said communication unit and at least one motorized port in communication with said control unit wherein said control unit controls movement of said motorized port based on said predetermined condition (col. 7, lines 7 - 28).

Regarding claim 18, Liu teaches a remote vehicle operation system, wherein said control unit compares a desired temperature to an interior temperature, and opens a door (the claimed port) should the interior temperature be higher than the desired temperature (col. 7, lines 7 - 25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 – 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hideo Furukawa (US 6243022; hereinafter Furukawa) in view of by Liu et al (US 6263272; hereinafter Liu).

Regarding claims 2 – 5, and 7, Furukawa teaches all the limitations in claim 1, but fails to specifically teach that said second receiver is a phone (claim 2); said subsystem is a climate control system (claim 3); said subsystem also includes a vehicle navigation system (claim 4); said subsystem also includes a vehicle security system (claim 5); and wherein said control unit compares a cab temperature to a desired temperature and sends said feedback to let an operator know that the cab temperature is within a range of said desired temperature (claim 7).

However, Liu teaches, in the same field of endeavor, a teaches a remote vehicle operation system, wherein said second receiver is phone (col. 7, lines 40 – 45); said subsystem is a climate control system (col. 6, lines 24 - 30); said subsystem also includes a vehicle navigation system (GPS)(col. 7, lines 37 – 40); said subsystem also includes a vehicle security system (col. 2, lines 6 - 7); and wherein said control unit compares an interior temperature (the claimed cab temperature) to a desired temperature and sends said feedback to let an operator know that the cab temperature

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is within a range of said desired temperature (paragraph bridging col. 6, line 57 through col. 7, line 28).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a second receiver which is a phone, a subsystem as a climate control system, a vehicle navigation system, and vehicle security system in Furukawa's device as taught by Liu for the purpose of providing a communications system for alerting the vehicle driver or others when the danger of fatalities comes about.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hideo Furukawa (US 6243022; hereinafter Furukawa) in view of Kenneth E. Flick (US 6140938; hereinafter Flick).

Regarding claim 20, Furukawa teaches all the limitations on claim 19, including the steps of a vehicle climate control, comparing a desired cab temperature to an actual cab temperature, and sending said feedback when the two are within a range (see above rejections), but fail to specifically teach that said control signal is a vehicle ignition start signal.

However, Flick teaches, in the same field of endeavor, a remote control system suitable for a vehicle and having remote transmitter verification, wherein said control signal is a vehicle ignition start signal (col. 8, lines 32 – 41).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a system to start the vehicle remotely in Furukawa's

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device as evidenced by Flick because Furukawa teaches a remote control to open and close vehicle doors and windows, and flick further teaches a system to start the vehicle remotely for the purpose of providing an enhanced security feature to the remote control of other functions associated with a vehicle.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hideo Furukawa (US 6243022; hereinafter Furukawa) in view of by Liu et al (US 6263272; hereinafter Liu), and further in view of Kenneth E. Flick (US 6140938; hereinafter Flick).

Regarding claim 6, Furukawa and Liu teach all the limitations on claim 3, but fail to specifically teach that said control signal is a vehicle ignition start signal.

However, Flick teaches, in the same field of endeavor, a remote control system suitable for a vehicle and having remote transmitter verification, wherein said control signal is a vehicle ignition start signal (col. 8, lines 32 – 41).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a system to start the vehicle remotely in Furukawa and Liu's device as evidenced by Flick because Furukawa and Liu teach a remote control to open and close vehicle doors and windows, and flick further teaches a system to start the vehicle remotely for the purpose of providing an enhanced security feature to the remote control of other functions associated with a vehicle.

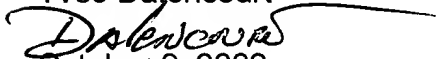
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Yves Dalencourt



October 9, 2003